

AMENDED AGENDA

**BROKEN ARROW CITY COUNCIL
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012**

October 21, 2008

6:30 PM

- 1. Call to Order**
- 2. Invocation**
- 3. Roll Call**
- 4. Pledge of Allegiance to the Flag**
- 5. Consideration of Consent Agenda**
 - A. Approval of the regular meeting minutes of September 16, 2008
 - B. Approval of the regular meeting minutes of October 7, 2008
 - C. Acceptance of the minutes of the Planning Commission meeting held September 25, 2008.
 - D. Approval of and authorization to execute a Proclamation declaring November 6, 2008 as 'Optimist Youth Appreciation Day' in the City of Broken Arrow
 - E. Approval of and authorization to execute the Addendum for the renewal of the Clinical Rotation Agreement between the City of Broken Arrow and Tulsa Technology Center
 - F. Approval of and authorization to execute an Architectural Engineering contract with HRAOK, Inc., for planning and design of Houston Street Industrial Park
 - G. Approval of and authorization to execute a Legal Services Agreement with Kiser Law Firm, PLLC for services related to the approval and issuance of General Obligation Bonds in one or more series to be voted on in December 2008
 - H. Approval of and authorization to execute the Vision 2025 Capital Improvements Agreement for the Community Center/Neinhuis Park Project and Amendment thereto
 - I. Approval of Work Order to Contract ST0801A, Cold Milling Asphalt Streets
 - J. Approval of Final Acceptance for Public Improvements at Iron Horse Ranch Offsite Sanitary Sewer System.
 - K. Approval of Final Acceptance of Public Improvements for Seven Oaks South
 - L. Approval of BACP, 97, Service Master, 1.02 acres, Level 1 to Level 6, A-1, east of the southeast corner of Evans Road (225th East Avenue) and Kenosha Street (71st Street) at 22700 East 71st Street.

- M. Approval of PUD 191 and BAZ 1808, Kenosha Landing, 3.12 acres, 1 lot, I-L to R-M, less than one-half mile west of Aspen Avenue (145th East Avenue), one-quarter mile north of Kenosha Street (71st Street), on the north end of Elder Avenue.
- N. Approval of PT08-112 conditional final plat for Saint Michael's Church, 4.98 acres, 1 lot, R-2 (SP 217), east of Garnett Road (113th East Avenue), one-eighth mile north of Washington Street (91st Street), 8837 South Garnett Road.
- O. Approval of bids received and award of the most advantageous bid for a construction contract with Traffic and Lighting Systems, L.L.C., for Omaha and 23rd Street Traffic Signalization and authorization to execute the contract documents
- P. Approval of bids received and award of the most advantageous bid for a 2008 BMW Police Motorcycle
- Q. Acceptance of a General Warranty Deed from Barbara A. Kimbrough & Carolyn A. Cundiff (S19 T18N R15E) (Project: ST9814A)(Washington St Ext from 23rd to SH51)
- R. Acceptance of a General Warranty Deed from Charlie George, Jr. (S36 T19N R14E) (Project: 9th St Widening Albany St to Omaha St) (Project: ST0529)
- S. Acceptance of an Agreement with Zeeco, Inc. For Deferral Of Perimeter Sidewalk
- T. Acceptance of a Sidewalk Easement from CareSource Tulsa, LLC (S3 T18N R14E) (Project: CareSource)
- U. Acceptance of a Sidewalk/Boardwalk Easement Agreement with HDH Investments, LLC
- V. Acceptance of two Temporary Construction Easements from Charlie George, Jr (S36 T19N R14E) (Project: ST0529) (9th St Widening Albany to Omaha St)
- W. Acceptance of a Water Line Easement from John Hausam & Burnstein Family Investment Company, LLC (S33 T18N R14E) (Project: Spring Creek of Broken Arrow)
- X. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths

- A. Oaths: Administration of the Oath of Office to each member of the Youth City Council 2008-2009
- B. Presentation: Approval and presentation of the "Employee of the Quarter" award recognizing Corporal Brian Gerber for the third quarter term, July through September 2008

8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (approximately 7:00 p.m.)

9. General Council Business

- A. Approval of and authorization to execute Resolution of the City Council of the City of Broken Arrow appointing the City Manager or his designee to form an oversight committee and direct City staff to develop, implement and comply with Federal Trade Commission Regulations, adopted as 16 CFR Section 681.2, requiring creditor to adopt Red Flag policies to prevent and mitigate identify theft with respect to covered accounts

- B. Approval of and authorization to execute an Option to Purchase a 70-acre tract of land for the Festival Park
- C. Approval of BAZ 1814, McLain, 12.50 acres, 2 lots, A-R-1 to R-1, east of Elm Place (161st East Avenue), one half mile north of Jasper Street (131st Street).
- D. Consideration, possible approval of and authorization to execute the Special Election Proclamation and Notice of the December 9, 2008, Bond Election submitting to the voters of the City of Broken Arrow Ordinance No. 2986 of the City of Broken Arrow approving the acquisition, construction, equipping and furnishing of a new fire station to replace an existing fire station and to be located in central Broken Arrow, and construction, equipping and furnishing of a new fire department training tower and a police department shoot house and acquisition of a public safety driving simulator to be located at the City Public Safety Training Center
- E. Consideration, possible approval of and authorization to execute Resolution No. 551, a resolution of the City Council for the City of Broken Arrow approving the transfer of sales tax capital improvement funds to Broken Arrow Economic Development Authority for the purpose of funding infrastructure improvements at Stoneridge Towne Center and approving Budget Amendment No. 5

10. City Manager's Report

11. Preview Ordinances

- A. An Ordinance amending Chapter 4, Article II, Section 4-16 of the Broken Arrow Code pertaining to being intoxicated in public, or while in any unenclosed space on any private property of another while uninvited; repealing all ordinances to the contrary; and declaring an emergency.
- B. An Ordinance Amending Chapter 7, Article I, Section 7-6 of the Broken Arrow Code Pertaining to Throwing or Depositing of Litter on Public Places; Penalties; Repealing all Ordinances to the Contrary and Declaring an Emergency.

12. Ordinances

- A. Ordinance Number 2981 - An Ordinance Amending Chapter 7, Article VI, Section 7-120 of the Broken Arrow Code pertaining to Massage Applications; Repealing all Ordinances to the Contrary; and Declaring an Emergency.
- B. Ordinance Number 2990 - An Ordinance Amending Chapter 7, Article VI, Section 7-126 of the Broken Arrow Code pertaining to Revocation and Suspension; Repealing all Ordinances to the contrary; and Declaring an Emergency.
- C. Ordinance Number 2991 - An Ordinance Creating Chapter 7, Article VI, Section 7-132, Massage Establishments Penalty, of the Broken Arrow Code; Repealing all Ordinances to the Contrary; and Declaring an Emergency.
- D. Ordinance Number 2992 - An Ordinance Repealing Chapter 7, Article VI, Section 7-130 of the Broken Arrow Code pertaining to Massages as Employee Benefit on Periodic Basis; and Declaring an Emergency.
- E. Ordinance Number 2993 - An Ordinance Amending Chapter 22, Article VI, Section 22-111 of the Broken Arrow Code pertaining to taxation; repealing all ordinances to the contrary; and declaring an emergency

13. Remarks and Inquiries by Governing Body Members

14. Executive Session for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and the City Attorney for the purpose of conferring on litigation concerning City of Broken Arrow v. Troy Dwight Cospers and Joyce Marie Cospers, et al., Tulsa County District Court Case Number CJ-2007-6992, City of Broken Arrow v. Lenard A. Poplin and Rosella C. Poplin, et al., Tulsa County District Court Case Number Case Number: CJ-2007-07889, City of Broken Arrow v. Tommy J. Donathan, et al., Tulsa County District Court Case Number Case Number: CJ-2007-7894; City of Broken Arrow v. Stacy L. Heller, a single person, et al., Tulsa County District Court Case Number: Case Number: CJ-2007-07893, City of Broken Arrow v. Gloria J. Mayfield, et al., Tulsa County District Court Case Number CJ-2008-01625, City of Broken Arrow v. Jack Kelso Parrott., Tulsa County District Court Case Number CJ-2008-01624, and Jered R. Henry v. City of Broken Arrow, Oklahoma, Wagoner County District Court Case Number CV-08-1105; and potential litigation, a pending investigation and claims regarding delinquent commercial stormwater fees, all under 25 O.S. § 307(B)(4). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the pending and potential litigation, pending investigations and claims in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

15. Adjournment

NOTICE:

All cell phones and pagers must be turned OFF or operated SILENTLY during Council meetings.

Exhibits, petitions, pictures, etc., presented to the authority shall be received and deposited in case files to be kept at the Broken Arrow City Hall.

If you are a person with a disability and need some accommodation in order to participate in this meeting, please contact the City Clerk at 918-259-2400 Ext. 5418 to make arrangements.

POSTED this ____ day of _____, 2008, at _____ a.m./p.m.

City Clerk